BLM LIBRARY
88076680

BUREAU OF LAND MANAGEMENT

---oOo---

PUBLIC REVIEW OF PROPOSED NUMERAL REGULATIONS DURING WILDERNESS REVIEW)

Tuesday, February 13, 1979
7:00 p.m.
Sutter Placer Room
Sacramento Community Center

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

Reported by: Chris Bugas, Official Reporter

BLM Library
Denver Federal Center
Bldg. 50, OC-521
P.O. Box 25047
Denver, CO 80225

#156403961l
ID: 88076680
QH
76
.P83
1979

P R O C E E D I N G S

---oOo---

MR. RUCH: To officially the proceedings here this evening, my name is Jim Ruch. I'm the Associate State Director of Bureau of Land Management here in California. With me on the platform this evening is Phil Lord who is the Wilderness Coordinator for the Bureau of Land Management here in California.

The purpose of the meeting this evening -- I assume most of you had a chance to read, either in the letter that we mailed out to some seventy-five hundred people in California or the notice in the Federal Register -- is to discuss with interested folks in California the proposed rules for managing wilderness study areas on the public lands administered by the Bureau of Land Management in the United States. And since I assume that most everybody in the audience has had an opportunity to read the material that we mailed, let me just as you here: Have most of you in the audience had the opportunity to read over this tan book, "The Interim Management Guidelines in the Proposed Management Regulations?" Is there anybody here who hasn't had a chance to read over this material? Okay, my problem here is -- I want to make sure all of us here is on the same footing, coming from the same background of information. So with your indul-

gence, I will spend a little time giving you some background on the Wilderness Program this evening. We should take just a few minutes here at the start. The reason I'm going to do that is, as I was saying, the purpose of this meeting is to discuss with you briefly the law, the regulations and the program under which the Bureau of Land Management is going about carrying out the law which requires us to inventory the public lands of the United States for wilderness areas and wilderness value to identify those areas and then to study them and report to Congress which areas we believe are suitable for wilderness preservation so that Congress can choose to place those areas on the public lands that they believe is appropriate into the National Wilderness preservation system. And in that process, Congress has said that we have to have a different form of management for those lands that are under study for wilderness preservation. We must manage them so as not to impair their suitability for wilderness until such time Congress has had an opportunity to act.

Now, what the Secretary of the Interior has done is to come out with this proposed policy for that management and included with that in one area where we have not yet set forth our management authority, that is, within the Mining Law of 1872, to propose specific regulations

under which mining would be conducted on these wilderness study areas in order to carry this interim management policy. And it proposed both of those in a draft form for public review. And to provide this three-month period for public comment on both the interim management policy and what we call the surface management regulations planning, so everybody has a chance to say as to whether this is the right way to go or not. And we are having serious public meetings such as this one throughout the western United States as people begin to make their comments, so that if you have any questions of us as to what's meant by this tan book, we can talk about them so that the comments that the people make are going to be the most informed comments possible. We're asking that comments be made in a written form. That they be sent to the Bureau of Land Management in Washington, D.C. and there is an address given in the mail out here on mining claims, the service management regulations, and that address you will see right here on this card in front, so everybody who doesn't have it, write it down and we also include in that address in our letter that we mailed out that many of you received. I would point out that there is one small difference in the letter that we mailed to you, we used a code number 303 and up here we used a code number 210. It really doesn't make any difference which

one you send it to. This one happens to be the Legislative and Regulatory Division; number 303, the Wilderness Division in Washington, I can assure you that either will get to the appropriate place, but for those of you who are making a note of it this evening, send it to 210 in Washington.

Although our purpose in the meeting this evening is not to take public comments as part of the record for inclusion and for analysis, I recognize it that many people come to meetings such as this, would like to say something. If you feel inclined to say something about wilderness, wilderness policy or Interim Management policy and so forth, we are recording this session this evening and a verbatim transcript of this session will be included with the record and will be analyzed along with everything else that goes in to determine whether or not what the final Interim Management Policy and the final Surface Management Regulations will be. That's the reason we're here this evening, to discuss these things so that your comments that you may care to make in writing to the Director of the Bureau of Land Management will be the most informed possible comments. You can question us this evening, as a matter of fact, I hope that's what most of what this evening will consist of, your asking questions. Let us try to answer them, about

what is meant so that your comments will be to the point when it comes to dealing with Interim Management Policy and Surface Management Regulations.

Assuming again that you all have been quite familiar with the Wilderness Program on the public lands, I would like to state briefly what's going on in California because it is rather confusing. We are in the middle of about four different aspects of the Wilderness Program on the public lands in California all at once. And so with just a couple of minutes, I would like to go over that.

All of what we are doing stems from one piece of legislation, the Federal Land Policy and Management Act of 1976, sometimes called the Organic Act for Bureau of Land Management and which I will continue to refer to this evening when I talk about it for the sake of brevity as FLPMA. FLPMA brought together in essence all the public land laws under which the Bureau of Land Management had been offering for many years into one piece of legislation. In Title 6 of that legislation, Section 603, brought the Bureau of Land Management and the public lands administered by the Bureau of Land Management into the National preservation system. It require what I mentioned earlier, this three-step process, inventorying the public lands to determine the areas that

had wilderness characteristics which we will call "wilderness study areas"; then studying these areas, looking all their values and recommend whether or not they are to become wilderness or not, making the trade-offs for multiple use values in that recommendation. And thirdly, reporting to Congress and Congress can either choose to put them in the system or not as they see fit.

In that process, Congress said you must as nearly as possible turn over to us, Congress, the areas of the public lands for our judgment as to whether they will be wilderness or not in as nearly as possible the same condition that you find them when you inventory them. In the precise language of the act which is quoted up here, we must manage them so as not to impair their suitability for preservation as wilderness while we are studying them and Congress is making up the decision. At the same time, the legislative history of the act, Congress and the Secretary of the Interior has said that we will continue to manage the public lands under the principals of multiple use and sustain yield without interruption of these various kinds of uses of a plan as nearly as possible during the study period as we can without making any significant change in it.

Now, you can see there are some cases, but that's impossible that we cannot allow certain things to go on

the public land without impairing suitability for preservation as wilderness and that we must also follow this mandate to try to keep the management and the use of the public lands go on as the same as possible during the study period.

It is the attempt to set forth that Interim Management process so that our people in the field are area managers and our district managers will be able to make judgments or decisions about what goes on on the public lands day to day. This Interim Management Policy is intended to do what this is to do. This is the guideline for the rule book that the Secretary of the Interior passes out to the field the policy of the United States of how we're going to handle these plans in the year. And that's why it's very important that the -- that everybody is concerned about this has a chance to get a say to what that final policy is going to be.

Well, in this act, this Federal Land Policy and Management Act, there's another part of Title 6 called Section 601 established called the California Desert Conservation Area and that required us in California to develop a land use plan for the California Conservation Area, total area some 25 million acres in the southern part of the State, about 12½ million of which are run by the Bureau of Land Management. We must complete the

land management for that area by September 30, 1980. In order to meet that deadline, and to have a knowledge of all the resources for which we were planning, it became obvious that we had to start an inventory of the wilderness resources in the California desert sooner than the rest of the bureau had started that inventory, and so we did. We did it last year. And that inventory is nearing its conclusion. The draft proposal for the wilderness study areas in the desert, came up in November. We are analyzing the public hearings on it in December and we're analyzing all the comments at the present time and we will make our final inventory decisions of which areas will be wilderness study areas in the California desert in March, next month. Now, that was in advance of the rest of the bureau and the rest of the public lands. It had to be in order to make this deadline. The rest of the bureau including the rest of the public lands in California is on the schedule of conducting the inventory to determine where the wilderness study areas will be this year and next year. Here in California, we intend to complete that process this year on the other public lands in the State. In fact, we will be issuing a first cut at that inventory this month, Phil?

MR. LORD: Hopefully.

MR. RUCH: Hopefully the end of this month. And that in essence we'll say in the rest of the public lands in the State, here are all of the lands that we belive clearly and obviously do not meet the criteria for further wilderness study and so are exempted from the management restrictions that might apply here. We will then go into a more detailed inventory process this Spring and Summer and by Fall of this year, we will have established all of the wilderness study areas that we are going to identify throughout the balance of the public plans of California. So you may be receiving mail on that process as it goes along. And then concurrently with both of these activities, we are also discussing with you this Interim Management Policy and the Proposed Management Regulations. One small additional complicating factor is that after we finish the inventory we then enter the study phase, we start looking at all the sources and all the uses, we look at the mineral values and the wildlife values, grazing values and timber values as well as recreational values and wilderness values. Out of that determination in that context, we then recommend which areas are sutable and which are not suitable. We will be beginning that process in the California desert in March of this year. That will be going on as we develop draft California desert plans this year. So the

study recommendations, in fact the recommendations which we're going to make, is to which areas in the California desert we are going to recommend to Congress as being suitable will be done this year and will appear in the draft California desert plan which we hope to issue in January of 1980. That will then go through a long period of public review next year and the final plan, as I said, due in September of 1980. So there isn't four separate processes under way here and if, as I sure I have, confused you of ad infinitum of all these, maybe you might want to ask some questions about that this evening which I will try to answer to clear it up.

What I would like to concentrate on this evening, if I might, is this process of Interim Management or how we intend to manage the lands once they are designated as wilderness study areas in order to comply with FLPMA Section 603c. Now, if you all are quite familiar with this tan book, it's probably not necessary for me to go through them. I might however point out some of the key elements behind this Interim Management Policy. The first of them is that they apply to all of the public lands until the inventory is done. One of the early rulings made by the Solicitor of the Department of Interior was that, dealth with this question. And his ruling is based on this logic. Congress wanted the opportunity to

select those areas that were truly appropriate for wilderness designation from the public lands and to identify them, designate them so that they would be preserved as wilderness.

The bureau was to conduct an inventory to determine which lands might meet the criteria. Prior to conducting the inventory, there would be no way of knowing whether the lands met that criteria or not. Therefore, the mandate to manage them so as not to impair their suitability for preservation as wilderness, obviously they had to apply to all public lands if this choice that Congress was going to make would not to be forclosed. The way that we have approached this in this process first, is to try to accelerate the wilderness inventory so that inventory will be done early and that all the lands that don't meet the criteria will then be free from these management instraints. But until that is done, some decision must be made for a particular project or particular case as to a decision before we conducted the inventory. We have chosen to state that in the environmental analysis which we must make for every action that we allow in the public lands, we will make a determination, an inventory determination for that particular project as part of that environmental analysis. If it should turn out that the areas do not need the

wilderness criteria then obviously it's dropped. If it turns out that in that process that yes indeed it does have those wilderness criteria and would need the inventory criteria, then we would have to apply the management guideline here. Other than that, of course the management guidelines apply only to wilderness study areas once the inventory is done.

The same thing true of these proposed mining regulations or surface management regulations. There is a term in here that is used which is called potential wilderness area. In essence that applies to any lands which have not yet been inventoried. Where we simply don't know yet whether or not wilderness characteristics as defined in the law exist or not. And obviously the first step in the process of making any judgment in the decision of values of those lands is to go out and determine whether or not those were the wilderness characteristics that exist. If they do not exist, then they are not longer considered. If they do exist, then we would manage them under the provision that we would manage any land as a wilderness study area. Those are kind of basic assumptions.

The next basic assumption or concept that I think we ought to briefly discuss is this concept of impairment. Congress has not said that we must manage the inventoried

land as winners. Congress has simply said that we must manage them so as to retain their suitability or not to impair their suitability for preservation as wilderness. In our interpretation of that in putting forth these guidelines, we have chosen to state that this does not mean that we cannot have some temporary impairment which could be rehabilitated or in essence removed in the interim period of time while they're being managed before Congress makes its decision. Thus, for example, you might put in a fence for some management purpose. That fence in itself would be the mark of man if you will, it would be unnatural in character and if you had wilderness area, you probably would have a fence in it. But there's no reason in the world why you couldn't go and move that fence if Congress chose to put it in the wilderness area and the wilderness preservation system. And any impairment that took place would have been temporary and could be removed and there would be no reason in the world why you couldn't have that there in the interim. That's a concept of temporary impairment. Now, that's been carried a little farther in a number of different areas and a number of different resources. For example, motorized vehicles are not normally allowed in the wilderness area. But under these interim management procedures, on an existing roadway or trail where you

have some dirt tracks that some other vehicles are driven on, which are not a road they're not a maintained common usuage area or you have a trail through there that motorcycles are driven on which would not be a road by the definition we've used, there would be no reason in the world why they could not continue to be used by vehicle during the period of time the land was under study and before Congress made its decision. So long as that continued use did not impair the suitability for preservation as wilderness and could be in essence rehabilitated or moved or repaired at the time Congress put the a pack in wilderness. We have gone somewhat farther in the area of mineral development to say that this temporary impairment in connection with mineral development should be judged on the grounds that it could be allowed if it could be rehabilitated within five years after Congress chose to put a particular piece of land in the wilderness preservation system.

Now, as I'm sure you are all aware, there are two areas of exception to this impairment requirement. One is in livestock raising and the other is in mineral use or development. We call these the grandfather exceptions. In these cases, any grasing use and any mineral or mining use that was going on prior to October 21, 1976, when this law was passed, may continue in a wilderness study

area to the same manner and degree that it was being conducted prior to that time and I'm sure some of you may have questions about what that means -- what that means, we'll get into that when you get a chance to ask questions.

The law, however, and they may continue even though they impair the suitability of an area for preservation wilderness. However, that's an exception. Those uses as grandfather uses may continue in that same manner even though they impair suitability. However, they, the secretary must manage them to prevent unnecessary or undue degradation of the public lands or their resources. So there is a certain management that must go on to prevent this unnecessary undue degradation. But that does not mean that they cannot continue in such matter as to impair suitability for preservations wilderness. That's a basic statement in the law.

Phil, is there any key concept you think I need to go over before we start? I feel like I'm talking on and on and on here. Everybody out there has got questions. If I'm answering them fine, but if I'm not answering, it's just wasting my breath and your time.

Yes, I might introduce Jack Lahr who is on our staff in the back and he's got one thing that he thinks I should talk about.

areas in the same manner and degree that it was being conducted prior to that time and I'm sure some of you may have questions about what that means -- what that means, we'll get into that when you get a chance to ask questions.

The law, however, and they may continue even though they impair the suitability of an area for preservation wilderness. However, there's an exception. Those uses as grandfather uses may continue in that same manner even though they impair suitability. However, they, the secretary must manage them to prevent unnecessary or undue degradation of the public lands or their resources. So there is a certain management that must go on to prevent this unnecessary undue degradation. But that does not mean that they cannot continue in such matter as to impair suitability for preservation wilderness. That's a basic statement in the law.

Phil, is there any key concept you think I need to go over before we start? I feel like I'm talking on and on and on here. Everybody out there has got questions. If I'm answering them fine, but if I'm not answering, it's just wasting my breath and your time.

Yes, I might introduce Jack Lane who is on our staff in the back and he's got one thing that he thinks I should talk about.

This is Jack Lahr. He is the Chief of the branch of Land, Minerals and Recreation for the Bureau of Land Management in Sacramento.

MR. LAHR: Like I might say Jim, you might cover the 701 section of FLMPA which pertains to valid existing rights in relation to 603.

MR. RUCH: Yes, let me just do that.

There has been a lot of concern that somehow or another the wilderness analysis is going to take away some valid right on the public land such as a mining claim. It's simply not the case. A mining claim is protected just as it is on any public land. The claimant has the right to work that claim and to continue his discovery and is the only question as to its validity just as it is anywhere else on the public lands plans. The same is true of other valid existing rights on the public land, leases and so forth. The question arises, what happens if you have a mineral lease on the public lands in that area that has not designated as a wilderness study area, inventory studies there. And the answer is, if you are actively working that mineral is being drilled, drilling a hole and and there is oil being pumped up or something, the chances are it's not going to be the wilderness study area to begin with but if they were, this would not effect it. If nothing is taken place from that lease however,

if no drill hole has been drilled if no rig has been out there and so forth and so on, then that use of that lease would be restricted by the condition that no use may impair the suitability for the preservation of that area as wilderness. The same thing really applies to mining claims. If you're out there mining on a mining claim, this grandfather exception that I said, you may continue to mine in the same manner and degree and that has been interpreted as a logical following of a lode if it's a lode line, what have you, would be a continuation of the same manner and degree. But if you just go out there and do a hundred dollars worth of assessment work with a pick and a shovel and so forth and put a wheel barrel two D-9's and a whole case full of powder is a different manner. So a change in the manner of degree then would be restricted to the extent so that it would not be allowed if it impaired the suitability for the preservation of the area as wilderness.

Does that cover your point, Jack?

Phil, anything else?

MR. LORD: I just might want to clarify again that when they talk about manner and degree in grandfathering, it's essentially that that was taken place on October 21, 1976, the date that FLMPA was enacted. That will be the anchor point for a lot of the grandfathering operations.

MR. RUCH: Okay, there is one connection with that, Phil. And that is, suppose that I had been out mining on a mining claim in October of 1975, and you just happened to stop mining in 1976 because he was sick or something else happened, as I understand the interpretation of that, as long as he was carrying reasonable money operation that was obviously what he had been doing in 1975 that kind of manner and he could continue. What Phil is saying is that someone went out there in January 1979, right after this meeting, that wouln't count. That would be different than the manner and degree that occurred in 1976.

Okay, why don't we ask folks who do want to talk -- did any of you fill out cards? Have you got some cards, too?

MR. COMPANION: Yes.

MR. RUCH: May I ask you just one question? How many out there intend to send in written comments, you or the organization you represent? How many intend to send in written comments on the proposed regulations and the proposed guidelines? Will you be sending in written comments? Will you be writing us as to how you feel about it?

Okay, fine, now you obviously have been raising your hand. Would you like to ask a question now?

MR. COMPANION: My name is Companion, Richard Companion and I have something to ask about prior to October 21st any mining actitivy had been done have some claims (Inaudible) which the veins were exposed by 1948. Around 1961, during that we had been working to expose these veins. We get to a point now which we got three things exposed. Now we got vein is three foot wide and we're getting in about another month we get capital help. That's what we've been waiting all this time. Finally, it's proven that the vein (inaudible) and commerical value. Now to say that we can continue going on without any holdback, to go ahead and go on with this operation or what?

MR. RUCH: I would have to say this, Mr. Companion, I remember you talked at our last meeting too. And your question at that time was whether or not the roads that had been plaited into the area would be included in the wilderness study area and my answer to you is no. If you plaited roads into a mining claim and maintain them then obviously they would not be included and I think they have not been included, but consequently these, to the best of my knowledge, the claims that you're talking about are not in the boundaries of any inventory wilderness study are and consequently these restrictions will not apply. If they were, it would be clear to me that you had

not been conducting these kinds of activites on them and I just can't -- if you've been working on these veins and if you have actual scrapper marks or braid marks or whatever it is and this has been going on prior to October 21, 1976, if you go in there for awhile and actually extract the ore you have a valid discovery and a valid mining claim, I cannot imagine that this would effect you in any way. However, let me say, I haven't seen your claims and I don't know if anybody else in the bureau that has and consequently I can't make a binding judgment here this evening.

MR. COMPANION : I do have assays taken of these claims. They do say they are very reliable. Now, here we are, we have a road approximately 2600 feet up there's about a 3-mile road. Now, we do need an extension to get to the problem. We had to use a trail to get to it. What problem will it be of getting a partial road into it at say 5,000 feet?

MR. RUCH: There may be a problem. If there's no road at the present time and if there was no road or working on it prior to October 21, 1976, and if that is within the boundaries of an inventoried wilderness area and if the area does have these characteristics, roadless, it's essentially untrailable by man, it's generally retained by its nature character, it has outstanding opportunity

for solitude and that area you're talking about in Salina Valley, I think part of it pretty much fits these characteristics. Then the determination of whether or not you can construct a road and if so what kind of a road on that claim is going to be judged by these rules. And it appears to me that one of things that you ought to do just as soon as you can since I'm making the assumption that these regulations in some form, after there will be public comment and maybe changes and so forth, but in some form, regulations for mining the wilderness study area will be adopted by the Director of the Interior. I would recommend that you get into the Bishop Area Office and talk to our manager there, Jim Morrison. Have him or some of their people come up there and take a look so that they can give you some idea to what's going on here.

MR. COMPANION: I have been there before. They said that if you have anything to show that shows real -- but in the meantime this has been coming up so that's why we're waiting to see now. We are planning next month to go ahead now. Now another thing I want to ask, how about the helicopters? We had been in with helicopters.

MR. RUCH: I cannot conceive this situation in which the use of the helicopter in a wilderness study area is going to impair the suitability of the area for

suitability for the wilderness unless you are to go in there and do a lot of work to create a headquarter or something. That's an interesting point and the key in understanding the concept is that you couldn't use a helicopter in a wilderness area because the use of the mechanized equipment in the designated wilderness area, except for specific emergency conditions, is not odd, but there's no reason in the world why helicopters would be restricted in terms of being in the air in a wilderness study area because that is strictly a temporary impact, unless you left the helicopter there.

MR. COMPANION: How else would you get the equipment in there? That answer is correct.

MR. RUCH: Mr. Herkomack, Bob?

MR. HERKOMACK: My name is Bob Herkomack. I would like to take issue with one of your points that you just mentioned about the use of helicopters. I think you have to modify that to the point where they might disturb say eagles who were nesting in that area and would be frightened from the nest or in an area where some eagle had a territorial feeling and attacked a chopper.

MR. RUCH: That's an excellent point. Can I comment on it?

MR. HERKOMACK: Yes.

MR. RUCH: The presence or absence of the eagles

or endangered species or wildlife or what have you is very important in the management plans. We not only manage other claims in keeping with the Endangered Species Act but also the Golden Bald Eagle Acts of the United States. However, it is very important to point this out, that has nothing whatsoever to do with wilderness. And the rules that would govern the use of that helicopter are utterly independent of whether or not there is a wilderness study area or a wilderness area present. In fact, one of the key concerns that many people have in connection with wilderness provisions on the public land is that people will seek the establishment of wilderness on the public lands in areas where it is not necessarily appropriate for the sake of wilderness but when it seems appropriate to protect some of the resources such as eagles or repairing habitate or what have you.

There are a variety of other ways of law in the Federal Land Policy and Management Act to protect such values. The most important of which is one called areas of critical environmental concern. I'd like to go over that with you, Bob, it's a very key point. The decision as to the use of that helicopter in a wilderness study area, because it is a wilderness study area, would be strickly whether or not it impaired the

suitability of the area for the preservation of wilderness. Now, if there were eagles there and there's a question regarding eagles, that question will be dealt with because of the eagles not because of the presence of the wilderness area.

MR. HERKOMACK: Thank you for that marvelous explanation. I thought you were -- you did speak about wildlife and I interpreted wildlife as including eagles.

MR. RUCH: I am sorry, if I spoke about wildlife as a reason, I misspoke myself. I didn't mean that.

MR. HERKOMACK: I thought you said you were taking actions to protect wildlife as well as the physical land itself? But I'll discuss the eagles --

MR. RUCH: In terms of the protection -- oh, I know what I was talking about -- I was talking about the grandfathered uses. Okay? Such as mining and grazing. I was saying that the law does not allow us to manage those uses that were occurring on October 21, 1976, so as to prevent the impairment for suitability and for preservation as wilderness. The goal at that time, even though the area is suitable for wilderness preservation, they cannot be restricted to protect those wilderness values. But the law is clear that they can be managed to protect other values. Now, that has nothing to do with wilderness, just as the eagles can be protected

suitability of the area for the preservation of wilderness. Now, if there were eagles there and there's a question regarding eagles, that question will be dealt with because of the eagles not because of the presence of the wilderness area.

MR. DERDERIAN: Thank you for that marvelous explanation. I thought you were -- you did speak about wildlife and I interpreted wildlife as including eagles.

MR. KUCHEL: I am sorry, if I spoke about wildlife as a reason, I misspoke myself. I didn't mean that.

MR. DERDERIAN: I thought you said you were taking actions to protect wildlife as well as the physical land itself. But I'll discuss the eagles --

MR. KUCHEL: In terms of the protection -- oh, I know what I was talking about -- I was talking about the grandfathered uses. Okay? Such as grazing and mining. I was saying that the law does not allow us to damage those uses that were occurring on October 21, 1976, so as to prevent the impairment for suitability and for preservation as wilderness. The goal as that area, even though the area is suitable for wilderness preservation, they cannot be restricted to protect those wilderness values. But the law is clear that they can be managed to protect other values. Now, that has nothing to do with wilderness, just as the eagles can be protected

because of other aspects of the law so to the mining and grazing can be restricted or managed to protect unnecessary degradation independent from this suitability.

MR. HERKOMACK: It certainly is a complicated thing. Well, I'm specifically interested in a section of Tuolome County and I recognize that you have to get your regulations and your policies out first before you list the areas that -- most of my questions have been answered by finding whether certain areas are going to be designated as wilderness study areas or not and I believe you said that comes in March.

MR. RUCH: In Tuolome County, the first draft, first cut of the areas that basically what will come out for the State other than the desert, which includes Tuolome County, is a map and some mariners which says, "All of the public lands will be in one of two categories, either they clearly and obviously do not meet the criteria for wilderness study and therefore will receive no more consideration or there is a chance that they have these values that will receive further study in the inventory and analysis."; basically the first cut.

Now, in Tuolome County, I don't know what the status is, but we can sure talk to you about it -- I don't know whether you have those maps or anything here to talk about. But in any event, that will be coming out in March

and that will be a first cut out and nobody will have a chance to comment on it and recommend stuff to be put in and stuff to be left out and that kind of thing.

Are you familiar with the scenic report that was just issued on the Tuolome wildlife scenic river?

MR. HERKOMACK: If it's finished, I'd sure love to get my hands on it. No, it hasn't been issued to my knowledge.

MR. RUCH: I think maybe it just came off the printing press. Today? It should be issued within a week or so.

MR. HERKOMACK: The directors who were suppose to decide today whether they like the plan or not --

MR. RUCH: To the best of my knowledge it's just in the process of being printed and should be out shortly.

MR. HERKOMACK: The other question I had, suppose a brand new use comes to an area and this is just a general question, and in order to say build a factory in some nice area and some people wanted to go in and do surveying and that surveying of temporary nature perhaps you could rule by the definitions you gave and yet the factory would definitely be no good; would you allow the surveyors to go and do their work in a wilderness study area?

MR. RUCH: That's really tough. Let's go through

this slightly since the factory would probably require the transfer of land and that of public ownership. Let's talk about a case that probably is more real and that is a power plant, a geo thermal power plant. Since we do lease lands for geo thermal production, according to these guidelines, we could continue to issue geo thermal leases on the public lands even though a wilderness study area were there. This production is to be considered the kind that would impair suitability of an area for preservation as wilderness and therefore, it would not be allowed. So, in that case, yes, these rules would say we would allow people to go upon the public lands as a matter of fact even to obtain a right to go upon the public lands in the term of release, to do certain kinds of limited exploration in the case of geo thermal, but that we would stop short of allowing them grow the factory, i.e., to develop the geo thermal power plants. That distinction is clearly made here. There are those who feel that it is not clear enough and that in fact once it was determined that there resources are of great value there, there would be a great deal of pressure on Congress not to eventually make the area wilderness area. The rules clearly differentiate between uses which are not impairing in nature and uses which are impairing to nature even though there

might be a logical continual of the same action.

MR. HERKOMACK: Well, do you do an environmental assessment in granting the permits to go in and do the preliminary work?

MR. RUCH: Yes, the determinations as to whether or not an area is impairing in nature or not if it is not obvious on the fact of it, would be made in the process of doing an environmental analysis.

MR. HERKOMACK: Thank you.

MR. RUCH: Do we have some more questions?

MR. FRASER: Yes, sir. I have a couple of questions.

MR. RUCH: Would you give your name?

MR. FRASER: Tom Fraser.

My first question is really dealing some what with both the desert plan and what we're talking about tonight. Does BLM really have the manpower to undergo such study?

MR. RUCH: You mean the wilderness study or the California desert plan or anything?

MR. FRASER: Yeah, in California. Do you actually have the manpower to do a complete and thorough study for both wilderness and other planning purposes?

MR. RUCH: As hard as it may be for people to believe that a bureaucrat could ever say that he has

might be a logical conclusion of the case action.

MR. BERNSHACK: Well, do you do an environmental assessment in granting the permits to go in and do the preliminary work?

MR. BUCH: Yes, the determinations as to whether or not an area is impacting in nature or not if it is not obvious on the face of it, would be made in the process of doing an environmental analysis.

MR. BERNSHACK: Thank you.

MR. BUCH: Do we have some more questions?

MR. FRASER: Yes, sir. I have a couple of questions.

MR. BUCH: Would you give your name?

MR. FRASER: Tom Fraser.

My first question is really dealing some what with both the desert plan and what we're talking about tonight. Does BLM really have the manpower to undergo such study?

MR. BUCH: You mean the wilderness study or the California desert plan or anything?

MR. FRASER: Yeah, in California, do you actually have the manpower to do a complete and thorough study for both wilderness and other planning purposes?

MR. BUCH: As hard as it may be for people to believe, that a bureaucrat could ever say that he has

adequate manpower. I do in fact believe that we will do a professional and competent job in doing the plan for the California desert area and in conducting our wilderness studies.

MR. FRASER: Thorough?

MR. RUCH: Thorough.

Now, I can think of a lot of things that I would like to do that I cannot do with the money and the manpower that I have. Furthermore, I am constantly, publicly stating that I believe that a significant investment that is not now being made in the research of the public lands needs to be made and we need a lot more people and manypower to do it. But I can assure you the money and manpower that Congress has given me in California, we're going to do a thorough, competent and professional job of wilderness studying in California. And I am very hopeful that the people of California are going to be participants in that process because a lot of the information which we're going to depend on is coming from people. I might point out that in the California desert wilderness inventory, although it seems to take us a long time to get this point across, that some of the most useful information has been coming at the end of the process when people who knew particular parts of the public land as well or better than any of

adequate manpower. I do in fact believe that we will
be a professional and competent job in doing the plan
for the California desert area and in conducting the
wilderness studies.

MR. FRASER: Thorough?

MR. WATT: Thorough.

Now, I can think of a lot of things that I would
like to do that I cannot do with the money and the man-
power that I have. Furthermore, I am concerned,
publicly stating that I believe that a significant in-
vestment that is not now being made in the research
of the public lands needs to be made and we need a lot
more people and manpower to do it. But I can assure
you the money and manpower that Congress has given me
in California, we're going to do a thorough, competent
and professional job of wilderness studying in California.
And I am very hopeful that the people of California are
going to be participants in that process because a lot
of the information which we're going to depend on is
coming from people. I might point out that in the
California desert wilderness inventory, although it
seems to take us a long time to get this point across,
that some of the most useful information has been coming
at the end of the process when people who knew particular
parts of the public land as well or better than any of

our people, finally started coming and saying here look, here is a photograph, here is a map, here is data, that would be guiding the presence of a road or some impact on the public lands. And we're able to take that data and use is in the inventory process. We're very hopeful that will take place throughout the rest of this tape, so that information will be available to you.

MR. FRASER: Question with 603A and I noticed you have a portion of it up there, but I think you leave out part of the intent in reading both this and the section and going through legislative history when you stop at wilderness. It's provided that prior to any recommendation for designation of a near area as wilderness, the secretary shall cause mineral surveys to be conducted by the U.S. Geological Survey and the Bureau of Mines to determine the mineral values if any present in such areas. In reading through your proposed guideline and also the verbage I've heard from BLM, it seems to pre-empt any mineral development in a potential study area. 603A tends to rule out any areas that have high mineral potential from wilderness study areas. It seems to be some type of conflict there. Do you care to comment on that?

MR. RUCH: Uh huh. Number one, I do not believe that it was the intent of Congress, any way shape or form

to state that the presence or absence of mineral values would be the determining factor in whether or not they established wilderness. And I think White Clouds would bear me out. The intent of Congress in requiring a survey of mineral survey, by your minds and geological survey which will be conducted on every area of recommended suitable for wilderness prior to forwarding that recommendation to Congress. Furthermore, we have publicly stated that should we acquire any information about the mineral values of any such area as a result of that survey which we were not aware of at the time we made the original recommendation then we would reevaluate their recommendation before we forward it to Congress is simply this, so Congress will know what trade-offs they are making when it comes to establishing an area as wilderness. Now, the newer industries made it clear and I agree that it's very difficult to determine whether or not for sure minerals exist there unless you pick it up and turn it upside down and look at it, from bottom or what have you and by the time you did that, of course, you don't have any wilderness left if you decide after all that that there aren't any minerals that should be wilderness. It's not a pure black and white situation. There has to be the best professional job to do this and Congress wants the benefit of the

best professional judgments that can be made.

Now, as far as these interim management polcies and guidelines are concerned, they do not in fact in my opinion preclude particularly exploration for minerals nor do they necessarily preclude development for minerals. After all, any mining claim can be patented and there will be no restriction on the patent mining claim if that mining claim is in fact valid. There may be restrictions on the access to our problem in order to prevent impairment and in some cases that may render a deposit on an economic mind at least during the time that Congress is studying it.

It does not seem to me that there is any inconsistent with carrying out a mandate that we attempt to prevent the impairment of suitability for preservation of wilderness during the process of study and the fact that they would like a reasonable professional judgement as to the nature of a piece of land before they make a decision to whether or not it's gonna be wilderness or not. They are so insistent on this has been a history of arguments made for Congress regarding particular wilderness proposals as to its mineral character from people who both might want to be wilderness and people who don't want to be wilderness at all. The fact that they very rarely have access to independent unbiased

best professional judgments that can be made.

Now, as far as these interim management policies and positions are concerned, they do not in fact in my opinion preclude particularly exploration for minerals nor do they necessarily preclude development for minerals. After all, any mining claim can be patented and there will be no restriction on the patent mining claim if that mining claim is in fact valid. There may be restrictions on the access to one problem in order to prevent impairment and in some cases that may render a deposit on an economic mind at least during the time that Congress is studying it.

It does not seem to me that there is any interference with carrying out a mandate that we attempt to prevent the impairment of suitability for preservation of wilderness during the process of study and the fact that they would like a reasonable professional judgement as to the nature of a piece of land before they make a decision to whether or not it's gonna be wilderness or not. They are so insistent on this has been a history of statements made for Congress regarding particular wilderness proposals as to its mineral character from people who both might want to be wilderness and people who don't want to be wilderness at all. The fact that they very rarely have access to independent unbiased

judgement as to which particular side is right. And I see that largely and I think you saw that in the mineral history as being the reason for requiring that.

MR. FRASER: Dealing with 603, in the manner and degree which is the same as being producted to date or approval of the act, that's talking about the continuation of the existing mineral and grazing leases, that can be interpreted a lot of different ways and I'd like to throw a theorectical situation and see what at least how you feel about it right now. I'm sure you'll change as time goes on.

Let us assume somebody is mining an area or has either patented or unpatent mining claims and to make it complicated, contiguous to a wilderness study area and the claims that go into a study area; this person is mining through his history has increased his production approximately 20% per annum. Is the manner and degree the same as being conducted at that rate at which it was mining in 1976 or 20% increase in '77, 20% increase and so on?

MR. RUCH: Let me see if I can answer that. The best answer that has been given is the one that Slyvester gave in his opinion last Fall. I don't know if you have a copy or have access to one. Since I don't have one here I will attempt to paraphrase it.

judgment as to which particular site is right. And I see that largely and I think you see that in the mineral history as being the reason for rejecting that.

MR. FUGARO: Dealing with SO1, in the manner and degree which is the same as being produced to date or approval of the act, that's talking about the continuation of the existing mineral and gravity leases, that can be interpreted a lot of different ways and I'd like to throw a theoretical situation and see what at least how you feel about it right now. I'm sure you'll change as time goes on.

Let us assume somebody is mining an area or has either patented or unpatent mining claims and to make it complicated, contiguous to a wilderness study area and the claims that go into a study area; this person is mining through his history has increased his production approximately 20% per annum. In the manner and degree the same as being conducted at that rate at which it was mining in 1976 or 20% increase in '77, 15% increase and so on?

MR. BUCHI: Let me see if I can answer that. The best answer that has been given is the one that Glyvessler gave in his opinion last Fall. I don't know if you have a copy or have access to one. Since I don't have one here I will attempt to paraphrase it.

In the first part of your question is if its a patented mining claim, it's immaterial. It's private land.

MR. FRASER: It's unpatented.

MR. RUCH: So you're talking about an unpatented mining claim.

MR. FRASER: Uh huh.

MR. RUCH: And that has been part of it is in the wilderness area, part of it is outside of the wilderness of the area, in fact he's been working outside of the wilderness of the area obviously isn't a wilderness study area because he was working there. All right?

MR. FRASER: Uh huh.

MR. RUCH: The ~~sisters~~ solicitor said that the term in the same manner and degree should be applied as follows: If you have a claim of series of claims covering an essentially contiguous body of mineral material or if you will that they logical, reasonable continuation of mining that body of ore in general is the same contiguous are that hopping and jumping and kicking around constitute the same manner and degree. It would not particularly relevant the way it was 20% per year increase if it was at a logical, continuous, contiguous mining operation; it would be considered to be the same manner and degree. I think I can give you a better reference

or better analogy in the mineral leasing case where if a person had a series of oil and gas leases and had had drilled several oil gas wells, the drilling of additional oil and gass wells reasonably approximate to those reasonably in the same oil and gas structure or field for the development of that oil and gas field would be considered to be in the same manner and degree. Hopping five miles even though there was an adjacent lease, hopping five miles away into a separate structure and drilling the first new well in the new part of the field would not be considered in the same manner and degree. That's a paraphrase of what I understand Sylvester's opinion to be, but I think that's reasonably accurate. We can provide you a copy of that, Sylvester's opinion, if you think you'd want one.

MR. LORD: I would like to make one point here. I think it has been brought up, just to reiterate it again. The book and the service management rank for the minerals program are draft and they're out for public review through March 13th. My recommendation personally would be, if you have strong feelings, call or come, or write because they might be changed by somebody who doesn't like them or they might be re-enforced by those who do. Everything in the book is up for grabs as far as being a draft proposal. It's

all subject to change. If you think it could be strengtened or something is totally wrong and so on, write a letter and let them know especially in those areas that support because if all they get is negative responses and nobody comments that they're good, then obviously they may be prone to look at them in another way.

MR. RUCH: That's a good point. Thank you, Phil. Normally when we ask for public comment or anything -- and that's kind of consistent.

MR. SMITH: My name is Smith. Once your survey is made and you've determined how many million acres will be designated as wilderness, how will this be presented to Congress?

MR. RUCH: The only designation that we make is in the study area. Only Congress can actually designate wilderness. They reserve that for themselves. We don't create wilderness. Only God creates wilderness. Until 1964, then Congress started creating it.

We will complete our studies in our planning systems, our land use planning system. In the case to the California desert area, one land use plan for the entire California desert area and in that plan on all the wilderness study areas that we inventory, we will make a recommendation either we recommend it as suitable

and should be designated as what it is or we recommend that it is not suitable that other resources that are just more important and just not adequte quality or what have you, and that it not be designated as wilderness. We will then enter it then in what we call a reporting process. This reporting process consists of the condition of the mineral surveys that were mentioned earlier, the development or their report to Congress together with the environmental statement of analysis that goes with it in the case of the California desert plan, public hearings and we are required to have public hearings prior to making those recommendations to Congress and the results of those public hearings, transcripts or what have you a part of the package which goes to Congress. That will therefore go to Congress. Congress then must act according to this law on both our suitable recommendations and nonsuitable recommendations before the lands are lifted from the restrictions of the interim management policy. I don't know how Congress will act on the nonsuitable ones. I haven't decided what form that's going to take; how they're going to say, yes, we'll agree they're nonsuitable. But if they find any lands suitable and accept our recommendation, they must pass the legislation and say, yes, these lands are in the wilderness preservation system by act of Congress,

of course they undergo their own series of hearings on each one of those legislative proposals. So that's the process they go through.

MR. SMITH When would this Congress make this decision do you suppose?

MR. RUCH: By law, all of our recommendations on all wilderness areas on the public lands must be forwarded to the President by 1991. The President must forward them to Congress by 1993, two years later. Congress chose not to put any limitations on itself in terms of that time comes and Congress had to consider these. That sounds like a long time, 1991, and I think it is. Our intention, in the California desert area, is once we've completed our suitable and non-suitable study in September of 1980 as part of the plan, is to forward all our recommendations through the Secretary to Congress in two years so that by 1982, hopefully there will be before Congress and Congress would be considering them in 1983. In the balance of the State, we think it will take a little longer because the studies have to be made in connection with our annual use planning process and that's going to be taking place in different parts of the State on different areas, not as it is in the desert all in one chunk. It will probably take us four, five, may six years to

get that all wrapped up in the balance of the State. I can't tell you right now whether we are going to be going forward with those if we have one here, one here, one here, one at a time or whether we'll try and hold them and do all the rest of them in California all at once. I just don't know right now. My preference is to try to do them in a chunk so that when Congress looks at it, then can look at it in reference to a broader area than just one site. In the balance of the United States, the inventory, as I say, is going to be completed on all the public lands, exclusive of Alaska, by the Summer of 1980. The planning process is going to take a little longer. I hope that within ten years the bureau will have been able to forward all of it's proposals for wilderness to Congress. But as I say, the law specifically gave us 15 years to carry of that job. That's as close as I can come to answering that question.

MR. SMITH: Okay, I just have one --

MR. RUCH: Excuse me. As I say, Congress can continue to think about it indefintely. There is no terminal days for, as far as I am concerned, Phil had one thing --

MR. LORD: I'd like to clarify a little bit on two point. One is a little bit of a conjecture on my

part. When we see the policy being developed and so on as we get ready to prepare these reports to Congress, we really don't know what they will donsist of on non-suitable -- I'm speculating that basically what they will be since we will be seeing not just nonsuitable, we would have chosen a ordinary use and say this use is better than the wilderness uses. It is more suitable for us. It will be a (inaudible) proposal. And the public hearing on that as with the other areas would be to reinforce pro or con suitability of that decision which would be a negative -- would be a non-wilderness recommendation. The other point to remember is, once we've identified wilderness study areas in the process, it generally is marked on a map that has areas of value. In the State process, it might come out several ways. It isn't going to be all one or all the other. The area in a study process might be the best area voted on the western half, the best area of mineral development on the eastern half and so on and so on. The process itself could end up, given a study area that goes into the system, might come out with two or three proposals scattered throughout it. It isn't a win or lose situation by study area. So there are going to be a lot of im-portant decisions being made in the study process, especially in the California districts next year as to

how the public should be getting in and getting input under the best use and uses for those lands. And doing it don't just look at whether all should be wilderness or not wilderness because it can be looked at in pieces and in many cases should be because of the variety of resources that exist in any given study area.

MR. SMITH: Speaking of the California desert, I was wondering if you had any feelings what the intent of Congress was. For instance, I'm not too sure what percentage but I think it's around 25% of the California desert area is already out of circulation due to military reservations and national monuments and the map I've seen showing the study areas you know, takes up a large percentage of the rest of the area. Do you really think Congress had this intent to take a good percentage of the public land out of circulation and put it in wilderness?

MR. RUCH: Well, no I don't believe Congress had that intent. I believe that's what's happening. The intent of Congress in California desert conservation area is very clearly stated in the two pages of FLPMA under Section 601 of the Act. It points out precisely what Congress had in mind for that area. Congress recognized that about half the land in the area was public land administered by the Bureau of Land Management

and that they were also large areas in military reservations. There are two major national monuments, there is a large state park and that there are also private holdings and holdings in the State of California, large private holdings such as Southern Pacific Railroad and small private holdings such as Jerry Ford's house, all in the California desert.

The intent in the plan and the intent in the wilderness study process were to make as full and fair an evaluation of their resources in that desert area as possible. All the way from consumptive resoures that we need as a nation such as minerals or land for livestock grazing and so forth, clear through to wilderness values on the other side. And then in the public arena to try to choose what uses were most appropriate or different parts of that land. Now, in the process of doing that, since Congress shows to reserve for itself the right to decide which areas should be wilderness. It's evident that in order to preserve that option until Congress chooses, the lands that meet the basic characteristics need have some management restrictions on them. That has been interpreted as locking up or closing off the California desert to all use. From any kind of historical perspective, that's not really terribly accurate. Because we're talking about a period as I

described five years, ten at the outside. And I think we all agree that out there in the California desert there are some areas by their nature deserve to be designated as wilderness. They really superb examples of what we as the people consider wilderness. We're going through the process of picking out areas that have some of those characteristics, discuss it among ourselves, looking at all the other resource values and picking out from them, Congress looking at them and then Congress choosing. I don't see this as a process of closing off or locking off the resource of the California desert. I think you will find the ultimate decision that Congress makes will be of very reasonable selection of an appropriate amount of that land base with full consideration of their own values in the process. The trouble is that those of us who are interested in using that land for whatever our purpose is -- right now, are quite impatient with that process particularly quite impatient with the fact that it's taking place right now while we want to use it. I would hope that we are understanding enough of our goals for the public lands in our society to serve not only our needs as it's clearly stated by the law. But the needs for our children that we can live through this period of impatience while we're making these

described five years, ten or the decade. And I think we all agree that out there in the California desert there are some areas by their nature deserve to be designated as wilderness. They really super examples of what we as the people consider wilderness. We're going through the process of picking out areas that have some of those characteristics, discuss it among ourselves, looking at all the other resource values and picking out from them, Congress looking at them and then Congress choosing. I don't see this as a process of closing off or locking off the resource of the California desert. I think you will find the ultimate decision that Congress makes will be of very reasonable selection of an appropriate amount of that land base with full consideration of their own values in the process. The trouble is that those of us who are interested in using that land for whatever our purpose is -- right now, are quite important with that process particularly quite important with the fact that it's taking place right now while we want to use it. I would hope that we are understanding enough of our goals for the public lands in our society to serve not only our needs as it's clearly stated by the law, but the needs for our children that we can live through this period of impatience while we're making these

choices. That's the perspective I believe.

MR. SMITH: Okay. Thank you.

MR. PARROT: My name is Robert Parrot.

Do I understand correctly that the management policy and guidelines do not apply to patented land or private land within wilderness study areas even if activity is on such land might reduce wilderness values?

MR. RUCH: That is absolutely correct. However, I might caution that that is not the case of access routes which were obtained via rights of way (inaudible) or through the public lands to such present lands. The activities on this part of the lands are only constrained by the laws of the county or of the state of municipality and so forth and so on that govern them. Those laws however, I think may take into account in some cases the uses of the adjacent public lands of the United States. For example, in certain inholdings held by the State of California in National Forests, the State of California through State legislature chose to indicate that they felt that the State of California should manage the State lands simarily to the management of the adjacent National Forest wilderness lands. That would be a matter of county and state law.

MR. SPOTS: My name is Richard Spots. I have just a couple comments in reading over the Interim Management

Policy materials. One of my major concerns, and I think it's shared by quite a many, is what offered vehicle use. And I note what apparently the most specific language on our ORV us in wilderness study areas is on page 11 under Recreation A3. It says, "ORV use may continue in wilderness study areas on existing ways and trails. Vehicles designed to travel across snow or sand dunes may be allowed in areas designated for these uses so long as they do not cause physical or aesthetic impact that would impair the suitability of the area for designation as wilderness." It does indicate a few specific areas namely assembly areas start and finish lines that would not be allowed in wilderness study areas. I'm just wondering if maybe there should be additional sentences to sort of flush out the kinds of situations that would cause permanent scarring to, you know, wilderness study areas beyond those that are listed, assembly area, start and finish lines, from the stand point that while it's considered in here that wilderness study areas don't necessarily have to become the fact of closed areas for all off-road vehicles activities. I can see circumstances in areas where maybe sopography focuses or narrows ORV use to say particular arroyos or canyons or terrains. And that over a period of time, accumulative impacts that would occur that would

start to create physical manifestation. And elsewhere in the Interim Guidelines, it does talk about cumulative impacts and this is one of the areas that I think would become most pronounced in the next year or so. So again the question is that this language seems to put the burden on the Bureau of Land Management or environmental groups to somehow demonstrate an overwhelming impairment of wilderness and it might get very difficult if the particular circumstance again is not an assembly area or a starting finish line. Again, I'm just wondering that if additional types of places or circumstances could be annunciated right in these guidelines to sort of clarify that and make it maybe easier in exercising disgression.

MR. RUCH: I would suggest this: If you have ideas of language that you think would be appropriate, it would be most appropriate for you to make those recommendations in your written comments. However, I believe that in essence, the burden will be on the field manager of the Bureau of Land Management to make a determination. Now, we have gone quite a long way in this document to try to lay out guidelines which are relatively specific. The trouble with setting forth a particular action and saying this absolutely forbidden in all cases or this absolutely allowed in

all cases, on the one hand or the other, is it surely there is some person on the public lands where there will be exceptions which don't meet the basic criteria and that is prevention of the impairment of wilderness rights. So that has to be our basic guidelines and these are only guidelines within that and that judgment has to be made. And it seems to me that this is not a unreasonable statement here if tempered by that overall guideline. For example, to be used on existing ways or trails so long as it does not impair the suitability of preservation of wilderness is reasonably appropriate and that this dealing with competitive events, where it says, you know, no start in some areas and finish in some areas and so forth and so on. These are reasonably important points. As I say, if you have some additional language you think would be more appropriate recognizing these that it is clearly not the intent of Congress to exclude motorized vehicle use per se from wilderness study areas --

MR. SPOTS: Except from the stand point that if enough vehicles travel in the same general vicinity at some point you have a road or roadway --

MR. RUCH: That abundantly clear.

MR. SPOTS: -- it's kind of a Catch-22 situation. You can say existing ORV use can continue but for example,

if you say existing roads and ways, what if any effort might be made at some point to close off roads or ways that say at some point were starting to be developed that did not exist at some date. For example, October 21, --

MR. RUCH: Well, I didn't finish very abundantly clear that is appropriate action and that the Bureau, whether we are capable of doing it or not, is in fact required to insure that no new ways or trails are created subsequent to that time which would impair the suitability of preservation of wilderness. That's not going to be as easy to do this as when you talk about it.

To get back to your point, you did reference the fact that in here the concept of cumulative impact is very clearly brought up as a guideline. And that upon the determination that the existence of a cumulative impact of a repeated single use which may not in and of itself impair suitability for that repeated use is impairing or would impair suitability than usual and it would be clearly be our responsibility to not allow such use.

MR. SPOT: Would there ever be any way to quantify something from the standpoint that if it could be demonstrated that vegetative cover would be reduce by some percentage, erosion would be increased by some percentage

on a certain slope that there would at least be some criteria beyond just saying general kind of conclusionary statements?

MR. RUCH: I think that would be marvelously helpful and I think the chances of having that happen are just as good as my chances of my dream which is having some scientist somewhere invent a trammelmeter so I can go out and hold it up and tell whether or not land was trammelled or not. If it came up a 10 on the trammelmeter it would be trammelled. That's not what happens. There's a good deal of subjective judgment involved in these kinds of things and to say, you know, a 20% basal cover of plants, a 40% canopy cover of plants is appropriate. I'm sure that tremendous acres of the public lands don't even approach that. I think you'd have to design those criteria for each of the 700 species of flowering plants in the California desert and my mind boggles at the complexities of attempting to come up with precise quantifiable guidelines that could program in the minds of my field manager so they go out there like a bunch of computers and if it clicked up to 8, then they'd shut the use off. I don't think that's the way it's going to be done. I think it's going to be done through reason, I think wilderness -- I'm sorry, I'm talking so long -- wilderness is a subjective

judgement. Wilderness is a state of the given mind. The concepts are used in the wilderness criteria, outstanding opportunity for solitude, essentially natural in character, untrammelled, meaning unconfined, are a matter of subjective judgments. That's why we are going to such great expense and such great effort to involve as many people as possible in our wilderness study process. Out of our total subjective consciousness from many different points of view, we can come to some reasonable judgment as to what these subjectivesvalues are in our minds. I think that's what's going to happen in this case. We try to set guidelines, we try to set some reasonable limits on it, looking at the temporary nature of impacts themselves, one of my most serious concerns is the public lands of the United States are arid or semi-arid lands. And were beginning to rehabilitate the actual technicalogical ability to rehabilitate arid or semi-arid lands is profoundly minimal to say the least. The chances of revegitated lands that are dug up and scarred in the California desert is very, very slim.

MR. SPOTS: Well, that's why maybe the point about saying who has the burden or the word on going forward on some of this stuff. If we're talking about a wilderness inventory or some process that may only

last, well here in California, a very short period of time; across the National, what, 13, 14 more years. Maybe during that period of time it's reasonable on things like offering vehicle activity, you know, which primarily, you know, recreational use as far as competitive events to, you know, if possible air on the side of being conservative and not allowing any impacts because you conceeded the rehabilitative processes in the desert and in the southwest.

MR. RUCH: That is a solid argument and one that has been made by a lot of people. But now let us take a look at an argument on the other side. It is clear that Congress intended to continue as much as possible a wide variety of multiple uses on the public lands during the study process and as specifically in the California desert mentioned the appropriateness where appropriate of offer of vehicle use. Now, those words where appropriate --- I strongly recommend that this is what you believe as appropriate in the way this language should be rewritten or changed should be stated in your written comments and you send it forth. It's a good and valid argument. I'm trying to tell you the reason that this was arrived at incorporated also this concept that legislative intended, and certainly the Secretary intended, based on letters of intent,

that we will continue as nearly as possible to use the public lands for a variety of uses during this study process.

MR. SPOTS: Just one other thing I would like to clarify. In reading over the various activities that deal with the manipulation of vegetation, whether it's for range improvement, whether it's for wildlife enhancement or whether it's for fire suppression, some of the language doesn't seem to mesh and there seems a lot of areas where at least theorectically if there was going to be any major manipulation of vegetative cover in a wilderness study area, that at least in a couple of areas that require some kind of showing that that's for public health or safety and in another area it doesn't have that. Specifically on page 12, under E Wildlife, it just has this phrase that habitat projects are allowed so long as they do not impair the areas of wilderness potential. The key sentence is projects that alter natural vegetation in a major way may be approved if BLM determines they will not impair wilderness potential. Again, you kind of get back to the, you know, they're saying major and then they're saying on the other hand, but it's not going to impair wilderness potential. I don't know if --

MR. RUCH: That's not necessarily inconsistent

there we will continue as nearly as possible to use the public lands for a variety of uses during this study process.

Mr. SPOTO: Just one other thing I would like to clarify. In reading over the various activities that deal with the manipulation of vegetation, whether it's for range improvement, whether it's for wildlife enhancement or whether it's for fire suppression, some of the language doesn't seem to mesh and there seems a lot of areas where at least theoretically it there was going to be any major manipulation of vegetative cover in a wilderness study area, that at least in a couple of areas that requires some kind of showing that that's for public health or safety and in another area it doesn't have that. Specifically on page 12, under E Wildlife, it just has this phrase that Habitat projects are allowed so long as they do not impair the areas of wilderness potential. The key sentence is projects that alter natural vegetation in a major way may be approved if BLM determines they will not impair wilderness potential. Again, you kind of get back to the, you know, they're saying major and then they're saying on the other hand, but it's not going to impair wilderness potential. I don't know if --

Mr. BUCHI: That's not necessarily inconsistent

particularly in a fire-dependent economy in California. That major vegetative (inaudible) through the use of prescribed burning, for example, can be considered a major alteration at least temporarily which in my opinion not in any others, in no way diminishes the wilderness potential. As a matter of fact, as wilderness is not only dependent upon it, the fire belongs to the natural function of that land. And the reason of any kind of fire burns so much of the coast so badly was because Smokey Bear is a yo-yo.--

MR. SPOT: I agree with you.

MR. RUCH: -- in protecting the damn stuff for so long that we held up a fuel sourced area that was a disaster waiting to happen. The only worse thing than that is the nuts that go out and build homes and things so we have to protect, we can't burn it off.

MR. SPOT: I agree with what you're saying one hundred percent and that's why I'm saying what I'm saying. In fire suppression activities other than prescribed burns at least as far as the U.S. Forest Service is concerned, that often gets into bulldozing --

MR. RUCH: Yes, cutting trails for stopping the burn on the edges.

MR. SPOT: That's the basis of my concern in raising this, not so much prescribed burns and natural

fire, but from the standpoint of things that are obviously going to give the impact of man's work would be substantially noticible in this -- all that kind of stuff is going to be obviously affected if you start manipulating brush, for example, for herbicides or mechanical means. This is where is stops, this is where it starts and so forth. Now, to kind to flush it out more, on page 22 under the little check list, you have suppression and post-suppression activities under fire management actions. It says, all fire activities will continue as usual until management, fire management plans are developed for each wilderness study area.

MR. RUCH: Would you be interesed in a comment on that? In essence, what happened there is we're under a legal mandate for protection of human health safety, public property and all that kind of thing to suppress wildfires in a valid and reasonable area. That does not mean that we cannot (inaudible), but it does mean that we can only let burners have prescribed burns where we can guarantee through out knowledge of fire behavior and fire ecology and so forth that's it's an appropriate thing to do.

What we're saying here is that even in the wilderness area or a wilderness study area, until such time

as we made the determination as to the appropriateness of allowing fire to burn with its potential, a holocast nature, or of going into prescribed burns, we will carry our mandate for control. We intend, as I think it says elsewhere in here, to develop fire management plans which take into account the wilderness nature of the land for each wilderness study area as rapidly as possible which will then control the way in which fires are suppressed.

MR. SPOTS: I'm not talking necessarily about these guidelines restricting a current or an ongoing fire suppression policy, say adjacent to an urban area or some residential structures, I'm thinking more from the standpoint of anything being initiated, you know, pending the completion of the fire management policy. Do you invision any herbicides spraying, mechanical and so forth in the interim before this fire management plan are developed?

MR. RUCH: No, not in terms of suppression, no.

MR. SPOTS: I just want to clarify that. Well, I'm more familiar with the desert, but I'm just getting into wilderness up here in northern California so I didn't know what the lot of chaparrel acreage and so forth.

Under watershed actions within wilderness on page 23,

talks about brush conversions. Again were in the same category, and it says, only allowed if provides protection of human health or property or to restore site to original condition. This was the kind of language that I was thinking might have been included elsewhere in the other area. I wondered why it was there and not dealing with the fire suppression and I think there was some other language, too. Oh, under Range Management and there's some other things. Essentially you're talking about the same action under different titles, you know, whether you're manipulating brush for deers or for fire suppression or for Watershed Management; you're essentially doing the same types of things. And if you're going to recognize it for human health and safety, you can do something in the wilderness study area as well.

MR. RUCH: I think the reason that that's way is that by large that would not terribly be appropriate in terms of wildlife projects. If wildlife projects normally deal with natural manipulations they are not exotic plants, for example, you don't spray sage brush and then drill or replant grass for wildlife, whereas you might do that for livestock. You don't convert chaparrel chemise stands to plant grass stands normally for wildlife. You might do that for a watershed program.

MR. SPOTS: I am not saying that I oppose that.

I'm just saying that maybe we should hold some things in advance, you know, in further areas until the wilderness study areas have been totally considered.

MR. RUCH: I hope you will incorporate that in your written comments.

MR. SPOTS: Thank you.

MR. RUCH: We do not have an unlimited budget in the Bureau of Land Management in California and that's going to be one of the places where I probably won't be expending very much money while I'm doing a thorough job of developing the way this recommendation...

MR. PRISHE: My name is Gus Prishe. Let me ask you this: Suppose a lease was granted back in '74 on some mining claims and because of the delay mainly because of the Forest Service's delay in getting environmental statements all prepared, the thing had dragged out to where the owner had spent over a hundred and fifty thousand dollars and he just now been given a clearance to where he can start doing his drilling now, why is this going to effect this man after he spent all his money and now these restrictions are coming up?

MR. RUCH: It will not affect him in any way, shape or form. This effects only the public lands administered by the Bureau of Land Management. It does not effect any national forest plans at all.

MR. PRISHE: Well, these forest lands are being considered for wilderness area, in fact this particular mine is in a proposed wilderness area.

MR. RUCH: If it is on a national forest, it is in an area that was studied by the national forest under the so called RARE II Program.

MR. PRISHE: That is right.

MR. RUCH: That RARE II Program is an entirely independent process of this. The National Forester managed by the United States Forest Service and the Department of Agriculture and these lands are managed by the Bureau of Land Management and the Department of the Interior. There are two different kinds of lands. The RARE II process which the Forest Service went through to determine which lands they would recommend to Congress which National Forest lands they would recommend to Congress was only recently concluded. In that process they recommended one of three things for all of the forest lands under study. They recommended that on certain lands be made wilderness, that certain lands not be considered for wilderness at all and in their case they just dropped consideration of them and will receive no further consideration, and finally, they recommended that some lands be studied further. So they will be continuing to study some lands

further. Now, in your particular case, it would depend on which three categories those lands fell under. I assume from what you say, they either fell under the lands that Congress, that the Forest Service recommend for wilderness or the lands they are going to recommend for the study. If they're in the lands they're going to recommend for further study, then I recommend that you get with the Forest Service and talk to him about it. If it's lands that they are going to recommend to Congress for preservation of wilderness, then if Congress chooses as a result of the recommendation to put them in wilderness, then that mining claim will be governed by the rules under the 1964 Wilderness Act which incidently does not prove mining in wilderness areas that are established by Congress. As a matter of fact, mining may continue. Now, the biggest issue is number one, the access to inform that mining area across national forest lands which would require rights from the Forest Service and secondly, all the regulations of the United States Forest Service itself that govern mining. Mining on the National Forest has been regulated for six, seven years, John, do you recall? Five or six years, something like that. Under regulations by the Forest Service and it's my understanding, in California at least, that there are many cases where the mining

claimant who has a point of operations in the Forest Serivce sat down with the Forest Supervisor and they had been able to agree upon a plan of operations to mine the property. I suggest to you that this activity would have no effect on National Forest lands and in your particular case that you need to get with your District Ranger or your Forest Supervisor and find out what precisely is the case in their recommendation on lands that are affected by this claim.

MR. PRISHE: Thank you. I have another question. Are you planning to do a financial impact study on the program -- how this program is going to effect the various counties all over this state? And how will that be conducted.

MR. RUCH: The way that will work is this: That in the study process, once the inventory process itself simply goes out and says, why are there lands that are 5,000 acres or more that are roadless that have wilderness values. There's no decision there,simply an identification of the lands with these values. Those lands are then studied. In the study process we go through our land use planning system in which we consider all the resources and all their values. In the case of the California desert, we're doing it all at once. We want the largest land use plans as indicated by this.

We get all the data about the various kinds of markets and the economic determinations in the area and the economic impacts and the various kinds of uses. That is analyzed along with all of the other uses and impacts of the various kinds of resources. Furthermore, the public is completely involved in this process and I can assure you that those who have economic interest in an area come forward during the process. In the land use planning process, all of the input that people make into that is documented and becomes a part of that plan. So the economics are taken into account in the process. Economics is a key part of multiple use in sustained yield which are the two principals by which public lands are made. To paraphrase those, they in essence say that the public land will be managed for that combination of production of goods and services to meet the needs of the people of the United States today and in the future in such a way as to not to impair the productive potential of the land itself. But it's clear that an economic return in terms of the needs of the people of the United States is clearly a part of multiple use and sustain yield and is taken into account in that planning process. That's why it's very important to us when we're studying the wilderness areas as much as we can about what the

area values are.

MR. PRISHE: In other words, there actually is in the different counties it would be beneficial to them if they would give their input to you. I know that this last week there's been two counties that passed resolution against these wilderness areas and last week I think there were three counties that passed them. I know there's a group of nine others considering passing these resolutions against a wilderness area. So it would be beneficial to them if they gave their input to the BLM instead of --

MR. RUCH: As a matter of fact we require our people in the planning process to talk to and to work closely with local government.

Trinity County which I would take to be a highly conservative county in many ways and not always agreeable to the intent of those who manage the public lands, has spoken rather firmly against the Forest Service not for including areas as wilderness but for excluding an area that the county in fact felt should have been designated as wilderness.

MR. PRISHED: Well, I might have got some information wrong. In fact, Trinity is one of the counties that is seriously considering one of the resolutions at present.

MR. RUCH: Both Trinity County and the State of California and the Secretary of Resources were quite upset with the fact that the Forest Service failed to recommend an area in Trinity County as wilderness that they felt should have been wilderness.

MR. PRISHE: I have one other question.

How do you plan to conduct your mineral surveys? Are you just going to have geologist to go in or do any type of geophysical --

MR. RUCH: As far as the mineral surveys required in the law and wilderness studies are concerned, those must be conducted by the U.S. Geological Survey and the U.S. Bureau of Mines according to their standards. I might point out that in the California desert area, we are doing an intensive minerals survey of our own, not just of wilderness areas, but of all the mineral values which is a very detailed, very complex analysis. Obviously you can't go out and drill holes on land, but it's based upon a programable sampling series when you run away from a literature survey all the existing knowledge including spectrometers, including geochemical sampling, including linament studies with both magnetic air borne detection and on and on and on into what I can assure you in my opinion is probably one of the most sophisticated and in the opinion of the mining community.

The California Mining Association and people from Congress and also the State Geologists and the Geological Survey is probably one of the most sophisticated and best general mineral surveys anybody in public lands ever been undertaken. We're very proud of it.

MR. PRISHE: Thank you.

MR. BIRD: To whom and to which office of the BLM would be best to submit data regarding additional roads in potential wilderness study areas to insure consideration before the final inventory of that map is prepared?

MR. RUCH: Ron, in what area?

MR. BIRD: This would be in the desert, California desert area. Which area -- 288.

MR. RUCH: You are cutting it a little fine, you know.

MR. BIRD: I know.

MR. RUCH: The deadline for comments was last month. If you should submit a memo to Chuck Tulles at Riverside District Office, because Chuck is heading up the study. Are you here in Sacramento?

MR. BIRD: No, I'm not.

MR. RUCH: Where are you?

MR. BIRD: San Francisco.

I have no way of knowing if comments that we have

submitted have been included --

MR. RUCH: I can assure you, I can guarantee you, if you have submitted comments in writing, they are a part and parcel of the record.

MR. BIRD: Again, you don't know until we see a final map and you have no recourse.

MR. RUCH: Yes, you do. Let me assure you, you do indeed when we publish the final map, hopefully the end of this month, on the California desert and we announce in the Federal Register that we published it. One of the things that we say in there is that that does not in fact become final for thirty days. Anyone who has any concerns during that thirty-day period may comment if you in fact feel that some documentation that you have submitted has not been included then obviously you should speak out immediately to the State Director here in Sacramento. But, you have no way of getting down on the Riverside, I assume, to see whether or not it's in the file or not, but I assure you the comments that we receive (inaudible) that we could not acknowledge that we got your comment. I wish we could have, but at some points it's mailing and answering letters and stuff just gets ridiculous in terms of costs. I can assure you that opportunity -- if you want to mail a copy to the State Office, I can check and see whether

it's done.

MR. LORD: I might have a point on that. In the inventory process, which will be also starting out here this year in the rest of California, there's a permanent file set up for each inventory unit and you mentioned 288 as one. All of these will be numbered and all correspondence that comes in on the input of those areas will be retained in that file. Much of the comments we are getting in the California desert relates to things that are beyond the inventory phase. In other words, their recommendations and best uses or other forms of uses on their thoughts about how the area ought to be managed and so on. They will be in the file. They will be turned over to whether it will be in the California desert or outside the desert, will be turned over to the group or entity that is actually doing the planning process and those things that relate to the study phase, will be picked up by the BLM study process. But there is a program file if you so choose, you could go down there and review that in detail and you should find your comments. As for recommendation, if you are giving comments on any of the inventory programs in BLM Nation-wide, there will be an inventory unit involved. It would be a lot easier for them and probably a lot more beneficial-to the writer to write individual write-ups

for each inventory area. The ones that they're really having fits with is when somebody makes a generalized statement and says apply them to 55 areas. That's a pretty large over simplification when you're trying to make one statement applying to 55 separate pieces of geography. Many times you lose the effectiveness on some areas that you might be talking about because it doesn't quite fit the other 49 or something. If you do have the time, write by individual areas and give the key facts as you see that area because that's what the inventory team is having to do. They're having to come up with a rational area by area why the area does or does not qualify. And the comment can be both ways. You can tell them why it doesn't as well as why it does.

MR. RUCH: Thank you. Are there any more questions or comments?

MR. SMITH: Smith. I don't have a question, I just want to,-- would like to make a comment on the -- how fragile the desert is. I hear people talking about this, they have for years, I've lived in the desert for a long time and I've noticed in areas that have been disturbed if it isn't continuously run over, it comes back pretty good. Any of you that have been over Highway 58 going through Boron, that ground on both sides of the freeway was stripped to build a freeway.

It doesn't look too much different from the rest of the desert now. I think the desert isn't quite as fragile as a lot of people think it is.

MR. RUCH: Thank you. Any other comments?

MR. CHURCH: My name is Joe Church as like in Presbyterian.

I have a couple of questions that -- straightening out my mind is what I'm inclined to say. BLM is involved, you keep talking public lands, but I presume the majority of the public lands or all of it is actually public domain that technical phrase for it or rather BLM land that has a different name.

MR. RUCH: No, the correct phrase in FLPMA is the public lands administered by the Bureau of Land Management. That in essence is the term that is correctly used now for the old term Public Domain. Unfortunately after it's named for is PLABLUM.

All of the lands that are administered by the service of which are administered by the Bureau of Land Management are the lands that we're talking about.

MR. CHURCH: You mentioned that the desert that 25 million acres, about 12½ million are under the management activity of the BLM.

MR. RUCH: That's correct.

MR. CHURCH: How much of the rest of the State is

involved in BLM management land. Do you have any kind of estimate?

MR. RUCH: About 4 million acres.

MR. CHURCH: They're ranged out away from, as I recall maps from Silvers that maybe a half an acre or something like that but up to maybe more substantial pieces.

MR. RUCH: There is one parcel of land in downtown Nevada City that you can just get the three legs of a tripod... Yes, that's true, there are thousands of tiny parcels that were left over after homesteads or mining claims or what have you and we also had some in large areas or land such as the grazing lands in Modock County and over in Marshal County which we also administered the Susanvill District, the King Range on the north coast, a large body of land -- some of those larger areas as well as the small lands.

MR. CHURCH: Are all of those areas now to be studied under the program?

MR. RUCH: All of the areas are to be inventoried. Obviously, since one of the criteria is that the lands much be at least normally 5,000 contiguous roadless acres, that automatically excludes tremendous areas of public land or much of the land in the Mother Lode for example, along in the foothills where there are scattered

parcels of 640, 80 acres, 40 acres and so forth which are really difficult to administer. These are obviously excluded from consideration because they aren't wide enough to meet the criteria of wilderness.

MR. CHURCH: That's from the wilderness standpoint. Are there management plans now that cover the other lands or are there going to be other management plans that --

MR. RUCH: You bet there are. There are on some of them. Some of them were done some time ago back before many programs that we administered now came along and back before the Federal and Policy and Management Act came along and those are being dated. But they are administered for timber production, they're administered for grazing, they're administered for recreation, we administer probably the most intensive water recreation boating program in the United States on the Stanislaus River. And we have several others rivers in the Mother Lode that we administer water boating. Wildlife, endangered species, all of the various uses that can be put.

MR. CHURCH: Would you anticipate then that the efforts that you have to put in in the wilderness study would interfere or some way reduce the intensity of which the management of the lands?

MR. RUCH: I do not. I -- Number 1, we did receive

a reasonable appropriate amount of money in the first year we had the program - we defunded this year - for the administration program. If that continues, then I'm confident we'll be able to do a competent job without diminishing the operation of the management of the resources. I would point out now, since you gave me the opportunity, that the amount of money that we are spending on administering your public lands, all of the citizens of the United States, is small compared to the resources that we are mining or extracting those lands for our benefit over the many years. This is why I mentioned when I talk about repaying the investment for those lands and they in fact doing some of the things that we should have been doing for a long, long time with those lands. We are attempting to manage 1/6 of the serice area in the State of California with slightly less money and people than it takes to run a light cruiser. And somehow or other, I think we've got our priorities backward.

MR. CHURCH: I guess the final question I might have then is: To what extent will your organization in your wilderness studies coordinate with other, for instance, the Forest Service, are there other agencies who are along the road on that sort of thing or have established such as the National Parks where they have

established wilderness-type studies already.

MR. RUCH: Exceedingly close. We are working very closely to the Forest Service and of course we have a lot of adjoining lands and where lands do adjoin in the study process or working with them, we have some joint studies going on right now, we'll have a great many more in the future. In terms of wilderness management, we intend to learn from mistakes from both the Forest Service and the Park Service what they made in developing management plans for areas that Congress does designate as wilderness. For example, if I had my way I would have no intention of building you could run a skateboard down through the middle of wilderness areas to provide for public access in the wilderness areas that rapidly become a crime. So there are some things we do learn from them. We do work closely with them. As a matter of fact, the State Director was meeting with the Regional Forester and the Regional Director of the Park Service which we do about every month or two here in California. The same relationship takes place at the field level.

MR. CHURCH: The last question I have. Who on your mailing list this new information about this will get to us, I resume if we're on the mailing list.

MR. RUCH: That's correct. If you received this

mailing, you are on the wilderness mailing list.

MR. LORD: Let me clarify that. The California desert has a mailing list. That was the one we used to mail out the recent Interim Management package. That's about 6200 names. Many of the people that are on that live within the California desert or are interested only in the California desert. We're coming out with a rather substantial document for the rest of the state with 52 maps in it, half inch to the mile, and some other things. This right now in Redding with the YUCC crew, are going through and making everybody on that 6200 name list a letter and a postcard asking them if they are interested in the lands outside the desert to return the postcard to us. I will put them on that mailing list. So we're trying to cut down the printing costs and all that thing, the taxpayers expense to a bare minimum. Those people obviously want to stick with the desert will be on that list that we can bring those that are interested in the lands outside and develop a special list for them.

MR. CHURCH: Thank you.

MR. RUCH: There are no other questions? Then although it's not yet 10:00, I would like to compliment this audience for making a very perceptive and very understanding meeting. Clearly you've all done your

homework. I'm looking forward to the comments that you make. If you see fit to send copies of your comments to us here in California as well as to Washington, we'd be happy to take a look at them. With that, I just want to thank you for your attention this evening. Thank you.

(Meeting adjourned at 9:05 p.m.)